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XAVIER HERNDON

FILED

JAN 15 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

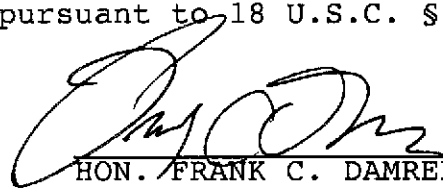
UNITED STATES OF AMERICA,)	No. Cr. S 04-043 FCD
)	
Plaintiff,)	
)	PROPOSED ORDER APPOINTING
v.)	COUNSEL
)	
XAVIER HERNDON,)	
)	
Defendant.)	Time:
)	Judge: Hon. Frank C. Damrell
)	

Xavier Herndon has been in state and federal custody since early 2004 and the Court is informed he is indigent and cannot hire private counsel. He is currently incarcerated by the Bureau of Prisons in Oklahoma.

Mr. Herndon filed a Motion to Correct Sentence on December 16, 2008. He filed the Motion pro se.

Good cause appearing, the Court appoints Linda Harter from the Office of the Federal Defender pursuant to 18 U.S.C. § 3006A to represent him in this matter.

Dated: January, 2009


HON. FRANK C. DAMRELL, JR.
U.S. DISTRICT COURT JUDGE